IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1634 of 2007()

CP.65/2006 of J.M.F.C.-I,KOZHIKODE
CRIME NO.16/2003 OF CHELANNUR EXCISE RANGE

.....

: PETITIONER/ACCUSED

SHEEBA K.T.,
W/O.SASI, MEDAKKUNNU MALAYIL, KAKKODI VIA,
P.O.KAKKODI, KAKKODI AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
EXCISE INSPECTOR, CHELANNUR EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1634/2007

Dated this 20th day of March, 2007

O R D E R

The petitioner, a lady, who is the accused in C.R.No.16/2003 of Chelannur Excise Range for an offence punishable under Section 8(2) of the Abkari Act for allegedly having been found in possession of four litres of illicit arrack on 13.4.2003, seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in C.P.No.65/2006 on the file of the J.F.C.M-I, Kozhikode, non bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail.

4. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, bearing in mind

the decision reported in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs